IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO
WRIT PETITION NO : 511 of 2004

BETWEEN:

1 Shiva Industries, Katedan, Rajendra Nagar Mandal, R.R. District, Rep. by its Proprietrix, Nagalaxmi.
2 B.K. Foods, Katedan, Rajendra Nagar Mandal, R.R. District, Rep. by its Proprietor, B. Kanakaiah,S/o. B. Raghavulu.
3 B.K. Industries, Siddipet, Medak District, Rep. by B. Kanakaiah, **..... PETITIONER(S)**
AND

1 Director of Marketing, A.P., Hyderabad.
2 Secretary, Agricultural Market Committee, Siddipet, Medak District.
3 Secretary, Agricultural Market Committee, Basara, Nizamabad District.
4 Secretary Agricultural Market Committee, Dichipally, Nizamabad District.
5 Secretary, Agricultural Market Committee, Kamareddy, Nizamabad District.
6 Secrertary, Agricultural Market Committee, Jankampet, Nizamabad District.
7 Secretary, Agricultural Market Committee, Bodhan, Nizamabad District.
8 Secretary, Agricultural Market Committee, Karregurthi, Nizamabad District.
9 Secretary, Agricultural Market Committee, Ramayampet, Medak District.
10 Secretary, Agricultural Market Committee, Adilabad, Adilabad District.
11 Secretary, Agricultural Market Committee, Mancherial, Adilabad District.
12 Secretary, Agricultural Market Committee, Laxettipet Adilabad District.
13 Secretary, Agricultural Market Committee, Medak District.
14 Secretary, Agricultural Market Committee, Narayanakhed, Medak District.
15 Secretary, Agricultural Market Committee, Gajwel, Medak District.
16 Secretary, Agricultural Market Committee, Toopran, Medak District.
17 Secretary, Agricultural Market Committee, Narsingi, Ranga Reddy District.
18 Secretary, Agricultural Market Committee, Zaheerabad, Medak District.
19 Secretary, Agricultural Market Committee, Sangareddy, Medak District.
20 Secretary, Agricultural Market Committee, Rajendranagar, Medak District.
21 Secretary, Agricultural Market Committee, Hyderabad, Hyderabad District.
22 Secretary, Agricultural Market Committee, Medak , Medak District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, Order or Orders, Direction or Directions, declaring that the Respondents are not entitled to insist for Market Fee from the petitioners in respect of Bengal Gram and Other Pulses which are purchased by the petitioners outside the State of Andhra Pradesh, while they are in transit through the Respondents Market Committees to the Dal Mills of the Petitioners at Siddipet in view of the Judgment in 1996(4) ALD Page 801 and to direct the Respondents to act in accordance with Law

For the Petitioners: MR.V.SRINIVAS , Advocate.

For the Respondents : MRS. NANDA RAMACHANDRA RAO

The Court Made the Following **ORDER:-**

The Petitioners are the proprietary concerns, having Daal Mills. They are engaged in converting Bengal Gram and other Pulses into Fried Gram. Their Grievance is that though they paid the agricultural market fee in the Stataes like Maharashtra, Karnataka, Madhya Pradesh etc., where it purchased the gram, respondents 2 to 22 are insisting for payment of agricultural market fee. they seek as declaration that such demand is illegal.

Reliance is placed on a Division Bench of this Court in MODERN NUTRITION COMPANY v. AGRICULTURAL MARKET COMMITTEE 1996 (4) ALD 801 (D.B) Athe learned Standing Counsel for Agricultural Market Committees, Ms. Nanda Ramachander Rao, submits that the question raised is squarely covered by division Bench Judgment of this court in MODERN NUTRITION COMPANY'S case (supra) in favour of the petitioners.

In view of the same, the writ petition is allowed and there shall be declaration in favour of the petitioners as prayed for. No order as to costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday the nineteenth day of january two thousand and four.

Sd/- S. Bharathi

//True Copy// Asst. Registrar.

Section Officer.

To

1 Director of Marketing, A.P., Hyderabad.
2 Secretary, Agricultural Market Committee, Siddipet, Medak District.
3 Secretary, Agricultural Market Committee, Basara, Nizamabad District.
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22 Secretary, Agricultural Market Committee, Medak , Medak District.

23. Two C.D. Copies.

24.One CC to Mr. V. Srinivas , Advocate (OPUC)

MVL.

Dt. 19-1-2004

ORDER
W.P. 511 of 2004

Allowing without Costs the Petition.